

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,  
v.

Case No. 7:24-CV-00033-DC-DTG

GOOGLE LLC,

Defendants.

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**DECLARATION OF QI TONG IN SUPPORT OF PLAINTIFF VIRTAMOVE,  
CORP.’S REPLY IN SUPPORT OF OBJECTIONS TO MAGISTRATE JUDGE  
GILLILAND’S TRANSFER ORDER**

I, Qi (Peter) Tong, declare and state as follows:

1. I am a member of the State Bar of Texas and an attorney at the firm of Russ August & Kabat, counsel of record for Plaintiff VirtaMove, Corp. in the above-captioned action. I submit this declaration in support of Plaintiff's Objections to the Transfer Order. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. Exhibit A is omitted for numbering consistency with a related case.

3. Exhibit B is omitted for numbering consistency with a related case.

4. Attached as Exhibit C is a true and correct copy of *Proxense LLC v. Apple Inc.*, No. 6:24-cv-00143-ADA, Dkt. 60 (W.D. Tex. Jan 8, 2025).

5. Attached as Exhibit D is a true and correct copy of the article *Fifth Circuit Clarifies Standard for Venue Transfer: What it Means for Texas Patent Litigants* as retrieved from the website <https://www.womblebonddickinson.com/us/insights/alerts/fifth-circuit-clarifies-standard-venue-transfer-what-it-means-texas-patent> on February 19, 2025.

6. Attached as Exhibit E is a true and correct copy of the article *Federal Circuit Law Sidesteps Fifth Circuit Ruling on Convenience Transfers* as retrieved from the website <https://insight.rpxcorp.com/news/73826-federal-circuit-sidesteps-fifth-circuit-ruling-on-convenience-transfers> on February 19, 2025.

7. Attached as Exhibit F is a true and correct copy of *Unstoppable Force Meets (Previously) Immovable Object: The Conflict Between Federal Circuit Mandamus and Trial-Court Deference in Patent Litigation*, 74 Baylor L. Rev. 783, 793 (2022).

8. Attached as Exhibit G is a true and correct copy of the docket report for *Corephotonics, Ltd. v. Apple Inc.*, No. 3:17-cv-06457 (N.D. Cal) as retrieved from Docket Navigator on February 19, 2025.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed on February 26, 2025 in Dallas, Texas.

/s/ Qi (Peter) Tong  
Qi (Peter) Tong  
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